

FILED  
ELECTRONICALLY

3/21/07

STUTMAN, TREISTER &amp; GLATT, P.C.

FRANK A. MEROLA

(CA State Bar No. 136934)

EVE H. KARASIK

(CA State Bar No. 155356)

ANDREW M. PARLEN

(CA State Bar No. 230429)

1901 Avenue of the Stars, 12<sup>th</sup> Floor

Los Angeles, CA 90067

Telephone: (310) 228-5600

E-mail: [fmerola@stutman.com](mailto:fmerola@stutman.com)[ekarasik@stutman.com](mailto:ekarasik@stutman.com)[aparden@stutman.com](mailto:aparden@stutman.com)

SHEA &amp; CARLYON, LTD.

JAMES PATRICK SHEA

(Nevada State Bar No. 000405)

CANDACE C. CARLYON

(Nevada State Bar No. 002666)

SHLOMO S. SHERMAN

(Nevada State Bar No. 009688)

228 South Fourth Street, First Floor

Las Vegas, Nevada 89101

Telephone: (702) 471-7432

E-mail: [jshea@sheacarlyon.com](mailto:jshea@sheacarlyon.com)[ccarlyon@sheacarlyon.com](mailto:ccarlyon@sheacarlyon.com)[ssherman@sheacarlyon.com](mailto:ssherman@sheacarlyon.com)*Counsel for the Official Committee of Equity Security Holders of  
USA Capital First Trust Deed Fund, LLC***UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:	)	BK-S-06-10725-LBR
USA COMMERCIAL MORTGAGE COMPANY	)	Chapter 11
Debtor	)	

In re:	)	BK-S-06-10726-LBR
USA CAPITAL REALTY ADVISORS, LLC,	)	Chapter 11
Debtor	)	

In re:	)	BK-S-06-10727-LBR
USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,	)	Chapter 11
Debtor	)	

In re:	)	BK-S-06-10728-LBR
USA CAPITAL FIRST TRUST DEED FUND, LLC,	)	Chapter 11
Debtor.	)	

In re:	)	BK-S-06-10729-LBR
USA SECURITIES, LLC,	)	Chapter 11
Debtor.	)	

Affects

☐ All Debtors☒ USA Commercial Mortgage Co.☐ USA Securities, LLC☐ USA Capital Realty Advisors, LLC☐ USA Capital Diversified Trust Deed☒ USA Capital First Trust Deed Fund, LLCDATE: March 15, 2007  
TIME: 9:30 a.m.**NOTICE OF ENTRY OF ORDER RE FIFTH OMNIBUS OBJECTION OF THE  
OFFICIAL COMMITTEE OF EQUITY SECURITY HOLDERS OF USA CAPITAL  
FIRST TRUST DEED FUND, LLC – MISFILED CLAIMS (AFFECTS DEBTORS USA  
COMMERCIAL MORTGAGE CO. AND USA CAPITAL FIRST TRUST DEED  
FUND, LLC.)**

1 PLEASE TAKE NOTICE that an Order re Fifth Omnibus Objection of the Official  
2 Committee of Equity Security Holders of USA Capital First Trust Deed Fund, LLC – Misfiled  
3 Claims (Affects Debtors USA Commercial Mortgage Co. and USA Capital First Trust Deed  
4 Fund, LLC) was entered on the 21<sup>st</sup> day of March, 2007, a true and correct copy of which is  
5 attached hereto.

6 DATED this 21<sup>st</sup> day of March, 2007.

8 SHEA & CARLYON, LTD.

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11 SHLOMO S. SHERMAN, ESQ.  
12 Nevada Bar No. 009688  
13 228 S. Fourth Street, 1<sup>st</sup> Floor  
14 Las Vegas, NV 89101



Entered on Docket  
March 21, 2007

Hon. Linda B. Riegle  
United States Bankruptcy Judge

STUTMAN, TREISTER & GLATT, P.C.  
FRANK A. MEROLA  
(CA State Bar No. 136934)  
EVE H. KARASIK  
(CA State Bar No. 155356)  
ANDREW M. PARLEN  
(CA State Bar No. 230429)  
1901 Avenue of the Stars, 12<sup>th</sup> Floor  
Los Angeles, CA 90067  
Telephone: (310) 228-5600  
E-mail: [fmerola@stutman.com](mailto:fmerola@stutman.com)  
[ekarasik@stutman.com](mailto:ekarasik@stutman.com)  
[aparlen@stutman.com](mailto:aparlen@stutman.com)

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(Nevada State Bar No. 002666)  
SHLOMO S. SHERMAN  
(Nevada State Bar No. 009688)  
228 South Fourth Street, First Floor  
Las Vegas, Nevada 89101  
Telephone: (702) 471-7432  
E-mail: [jshea@sheacarlyon.com](mailto:jshea@sheacarlyon.com)  
[ccarlyon@sheacarlyon.com](mailto:ccarlyon@sheacarlyon.com)  
[ssherman@sheacarlyon.com](mailto:ssherman@sheacarlyon.com)

*Counsel for the Official Committee of Equity Security Holders of  
USA Capital First Trust Deed Fund, LLC*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:	)	BK-S-06-10725-LBR
USA COMMERCIAL MORTGAGE COMPANY	)	Chapter 11
Debtor	)	
In re:	)	BK-S-06-10726-LBR
USA CAPITAL REALTY ADVISORS, LLC,	)	Chapter 11
Debtor	)	
In re:	)	BK-S-06-10727-LBR
USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,	)	Chapter 11
Debtor	)	
In re:	)	BK-S-06-10728-LBR
USA CAPITAL FIRST TRUST DEED FUND, LLC,	)	Chapter 11
Debtor.	)	
In re:	)	BK-S-06-10729-LBR
USA SECURITIES, LLC,	)	Chapter 11
Debtor.	)	
Affects	)	
<input type="checkbox"/> All Debtors	)	
<input checked="" type="checkbox"/> USA Commercial Mortgage Co.	)	
<input type="checkbox"/> USA Securities, LLC	)	
<input type="checkbox"/> USA Capital Realty Advisors, LLC	)	
<input type="checkbox"/> USA Capital Diversified Trust Deed	)	
<input checked="" type="checkbox"/> USA Capital First Trust Deed Fund, LLC	)	

DATE: March 15, 2007  
TIME: 9:30 a.m.

3228

**ORDER RE FIFTH OMNIBUS OBJECTION OF THE OFFICIAL COMMITTEE OF  
EQUITY SECURITY HOLDERS OF USA CAPITAL FIRST TRUST DEED FUND, LLC  
- MISFILED CLAIMS (AFFECTS DEBTORS USA COMMERCIAL MORTGAGE CO.  
AND USA CAPITAL FIRST TRUST DEED FUND, LLC.)**

The Court having considered the Fifth Omnibus Objection of the Official Committee of Equity Security Holders of USA Capital First Trust Deed Fund, LLC - Misfiled Claims (the "Objection") (Docket No. 2745); Shlomo S. Sherman, Esq. of the law firm of Shea & Carlyon, Ltd. appearing on behalf of the Official Committee of Equity Security Holders of USA Capital First Trust Deed Fund, LLC (the "FTDF Committee") (with any other appearances having been noted in open court); the Court having considered the Objection; adequate notice of the Objection having been given; there having been no response filed to the Objection; and good cause appearing:

IT IS HEREBY ORDERED that the Objection is sustained, and the Claims listed on Exhibit "A" (the "Claims") hereto are disallowed; and

IT IS FURTHER ORDERED that, to the extent that certain of the Claims were not timely filed in Case No. BK-S-06-10725-LBR (the "USACM Case"), such Claims shall be deemed to have been filed in the USACM Case, as of the date such Claims were filed in the FTDF Case, without prejudice to the rights of any party to object or otherwise respond to such Claims.

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1 SUBMITTED BY:

2 SHEA & CARLYON, LTD.

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4 CANDACE C. CARLYON, ESQ.

5 (Nevada Bar No. 002666)

6 SHLOMO S. SHERMAN, ESQ.

7 (Nevada Bar No. 009688)

228 South Fourth Street, First Floor

Las Vegas, Nevada 89101

8 and

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12 EVE H. KARASIK

13 (CA State Bar No. 155356)

ANDREW M. PARLEN

14 (CA State Bar No. 230429)

1901 Avenue of the Stars, 12th Floor

Los Angeles, CA 90067

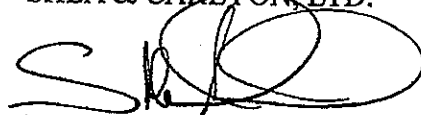
**RULE 9021 DECLARATION**

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ I have delivered a copy of proposed order to all attorneys and unrepresented parties who appeared at the hearing regarding this matter and/or who filed a written objection and each has:
- ☐ approved the form of this order;
- ☐ waived signature in open court; and/or
- ☐ failed to file and serve papers in accordance with LR 9021(c).
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who appeared at the hearing regarding this matter and/or who filed a written objection and all have either approved the form of this order, waived the right to review the order, failed to file and serve papers in accordance with LR 9021(c) and the following have disapproved the order:
- ☒ No opposition was filed to the motion and no other party or counsel appeared at the hearing.

DATED this 15<sup>TH</sup> day of March, 2007.

SHEA & CARLYON, LTD.



SHLOMO S. SHERMAN, ESQ.

Nevada Bar No. 009688  
228 S. Fourth Street, 1<sup>st</sup> Floor  
Las Vegas, NV 89101

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**EXHIBIT “A”**

## Wrong Debtor Claims

FDTF Claim No.	Claimant	Date Signed	Claim Amount	Comments	Filed Claim Against USACM?	Proposed Disposition
140	Acres Corporation, a Nevada Corporation	December 8, 2006	Blank	Claimant is not a FTDF Member nor is it otherwise connected to the FTDF. Proof of claim appears to be based on a loan that was made by the Claimant to Del Valle Capital Corporation.	No	Reclassify (without prejudice) claim as claim against USACM.
141	Acres Corporation, a Nevada Corporation	December 8, 2006	\$50,000.00	Claimant is not a FTDF Member nor is it otherwise connected to the FTDF. Proof of claim appears to be based on a loan that was made by the Claimant to Fiesta Development, Inc.	No	Reclassify (without prejudice) claim as claim against USACM.
142	Acres Corporation, a Nevada Corporation	December 8, 2006	\$50,000.00	Claimant is not a FTDF Member nor is it otherwise connected to the FTDF. Proof of claim appears to be based on a loan that was made by the Claimant to Elizabeth May Real Estate, LLC.	No	Reclassify (without prejudice) claim as claim against USACM.



<b>FDTF Claim No.</b>	<b>Claimant</b>	<b>Date Signed</b>	<b>Claim Amount</b>	<b>Comments</b>	<b>Filed Claim Against USACM?</b>	<b>Proposed Disposition</b>
143	Michael C Rehberger and Jeana L Rehberger	December 8, 2006	\$50,000.00	Claimants are not FTDF Members nor is it otherwise connected to the FTDF. Proof of claim appears to be based on a loan that was made by the Claimants to Elizabeth May Real Estate, LLC.	No	Reclassify (without prejudice) claim as claim against USACM.
144	Michael Rehberger	December 8, 2006	\$50,000.00	Claimant is not a FTDF Member nor is he otherwise connected to the FTDF. Proof of claim appears to be based on a loan that was made by the Claimant to Cornman Toltec 160, LLC	No	Reclassify (without prejudice) claim as claim against USACM.
145	Newman Trust Dated 1/26/94 c/o David R. Newman and Sandra L. Newman Trustees	December 22, 2006	\$87,339.67	Claimant is not a FTDF Members nor is it they otherwise connected to the FTDF. Proof of claim appears to be based on a loan that was made by the Claimant to Foxhill 216, LLC.	No	Reclassify (without prejudice) claim as claim against USACM.

<b>FDTF Claim No.</b>	<b>Claimant</b>	<b>Date Signed</b>	<b>Claim Amount</b>	<b>Comments</b>	<b>Filed Claim Against USACM?</b>	<b>Proposed Disposition</b>
146	Daniel R Halseth & Sandra K Halseth Trustees of the Halseth Family Trust Totally Restated 4/21/00	January 7, 2007	Unliquidated	Claimant is not a FTDF Member nor is it otherwise connected to the FTDF. Proof of claim appears to be based on loans that were made by the Claimant to Roam Development Group, Bay Pompano Beach, Gateway Stone, Del Valle – Livingston, and Palm Harbor One.	Yes	Disallow in its entirety against FTDF.
147	Katrine Mirzaian	January 9, 2007	\$344,011.56	Claimant is not a FTDF Member nor is she otherwise connected to the FTDF. Proof of claim appears to be based on loans that were made by the Claimant to Bay Pompano Beach, Foxhill 216 LLC, HFA-North Yonkers, and Midvale Marketplace.	Yes	Disallow in its entirety against FTDF.

<b>FDTF Claim No.</b>	<b>Claimant</b>	<b>Date Signed</b>	<b>Claim Amount</b>	<b>Comments</b>	<b>Filed Claim Against USACM?</b>	<b>Proposed Disposition</b>
149	First Savings Bank- Custodian for: George A. DiGioia	January 5, 2007	\$281,250.00	Claimant is not a FTDF Member nor is he otherwise connected to the FTDF. Proof of claim appears to be based on loans that were made by the Claimant to BarUSA, Placer Vineyards, and Standard Property.	No	Reclassify (without prejudice) claim as claim against USACM.